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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,978	03/12/2001	Hyo Sik Jeon	K-264	6940

34610 7590 08/15/2003

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EXAMINER
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JACKSON, BLAINE J

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 08/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/802,978

Applicant(s)

JEON ET AL.

Examiner

Blane J Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Lim (U.S. Patent 6,349,224).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As to claim 1, Lim teaches a data communication protocol for conducting a defined wireless data communication between mobile data terminals. Lim teaches the originating mobile user gives a particular command for data service and demand for a call connection with call set up by the Mobile Switching Center/Base Station (MSC/BS

through a wireless path from the mobile to a base station (figures 4 vs 5 and 6). It is well known in the art that the base station, base station controller and mobile switching center are required functional components in the wireless network and physically exist in various combinations or are separate. Lim teaches checking the second mobile station for a response through the MSC to the data service request and with the appropriate response, setting up a traffic path between the mobile stations by using the MSC and the originating and destination base stations when the second mobile station makes an acknowledgement to the data service (column 4, line 20 to column 5, line 14).

As to claim 2, Lim teaches the MSC sets up the data traffic path between the first and second mobile station in interlock with the originating and destination base station/base station controller(s) (figures 5 and 6). It would be inherent for the system of LIM to functionally include at least one base station controller within the network with processors to direct the base stations under supervision of the MSC.

As to claims 3-5, Lim teaches a method for data service where the originating mobile station transmits a receiver identification number ID and a service option to the MSC for a particular data service between the originating and terminating mobile terminal. Lim further teaches the originating base station (with inherent base station controller functions) open a RLP with the originating mobile terminal (column 4, lines 30-55). Lim also teaches the MSC forwards a signal for calling a terminating mobile data terminal to a terminating base station and with a response from the terminating mobile

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terminal, sets up a RLP between the second mobile station, base station (and inherent base station controller) through a traffic channel. Lim further teaches, with respect to the above discussion, a communication path is opened between the originating and terminating mobile terminals; a PPP and in continuation, a TCP is opened between both of the mobile data terminals (column 4, line 49 to column 5, line 8).

As to claims 6 and 8, Lim teaches an origination and terminating mobile station within the same wireless network in communication with a particular data service option (column 4, lines 30-35). Lim teaches the originating side base station (and inherent base station controller) sets up a RLP with the request for the particular data service option and the originating mobile station actuates a Point to Point protocol (PPP). Lim teaches that once the terminating mobile gives a response, a RLP is opened between the terminating side base station and the terminating mobile data terminal. Lim further teaches the MSC completes the set up of a data traffic path for data transmission between the originating and terminating mobile stations through the origination and terminating side base stations (column 4, line 66 to column 5, line 6).

As to claim 7, Lim teaches a PPP is set up between the origination mobile station and the destination mobile station by means of the MSC (column 5, lines 4-8).

As to claim 9, Lim teaches a wireless network where the functions of the base station controller are required but is not clear as to how or where the base station

controller functions are located. However, it is well known in the art to provide the functionality of the base station within an MSC, within a base station or to distribute the base station controller function in separate regions depending on the size of the network.

As to claim 10, Lim teaches a data terminal with an asynchronous or FAX type application connected to the mobile terminal through a standard interface such as RS-232 (figure 4, column 4, lines 20-33).

### ***Conclusion***

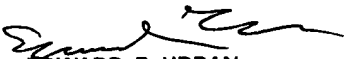
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chang et al. (U.S. Patent 6,487,406) teaches a method for providing seamless mobile IP connectivity (data information) between mobile stations connected to a PCS network via base stations and base station switching centers and MSC without dependence on an IWF. Qaddoura et al. (U.S. Patent 6,219,547) teaches data from a roaming mobile station is sent directly to a destination mobile station within the same geographic area.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J Jackson whose telephone number is (703) 305-5291. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703) 305-4385. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 812-9314 for regular communications and (703) 812-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377).

BJ  
July 30, 2003

  
EDWARD F. URBAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600